

REPORT OF THE DIRECTOR OF PLANNING & DEVELOPMENT SERVICES

REPORT NO.: PDS-10-48
DATE: November 9, 2010
TO: Mayor White and Members of Council
SUBJECT: Accessory Dwelling Unit Registration Process
SUBMITTED BY: Tami Kitay, Senior Planner

1. RECOMMENDATIONS:

- 1.1 That Report No. PDS-10-48 entitled "Accessory Dwelling Unit Registration Process", dated November 9, 2010, be received as information.

2. PREAMBLE:

The Town's new consolidated Zoning By-law 2010-050 now permits accessory dwelling units in most residential zones. As this is a significant change from the previous zoning by-law, Planning, Building, By-law Enforcement, and Fire Department staff have reviewed the existing accessory dwelling unit registration process and revised it for a more efficient implementation on a go-forward basis while ensuring that each Department's legislative authorities are being respected.

3. BASIC DATA PERTAINING TO THE MATTER:

3.1 Background

In July 1994, the Provincial government enacted legislation that usurped municipal zoning by-laws and allowed accessory dwelling units in houses provided that they were residentially zoned and connected to municipal water and sewer services. In 1995, the Provincial government changed and this permission was rescinded. However, units that were constructed up to and including November 16, 1995, were permitted to be "grandfathered" (otherwise known as legal non-conforming).

The Town's Official Plan, specifically sections 5.4.4.11, 5.4.5.1, and 7.3.2.2, all support and

encourage accessory dwelling units as a form of residential intensification and as a method to provide housing opportunities for seniors.

On June 8, 2010, Council adopted Zoning By-law 2010-050 which now permits accessory dwelling units in most residential zones (and some countryside zones) in single-detached and semi-detached residential buildings, subject to minimum floor area and parking standards.

By permitting and regulating accessory dwelling units, the Town is effectively implementing the Provincial Policy Statement, the Growth plan, and the Town's own Official Plan with regards to intensification, providing affordable housing, and offering variety in the housing stock. Accessory dwelling units also support multi-generational households and provide landowners with an additional source of income.

3.2 Existing "Basement Apartment" Registration Process

At this time, there are approximately 260 accessory residential dwelling units (typically referred to as basement apartments) recognized by the Town. To be recognized, these units have gone through one of several recognition programs the Town has administered in the last 15-20 years. If a landowner has gone through one of the recognition processes, the unit has been recognized. The permission has been applied to the property, not the owner. Therefore, the recognition continues despite changes to ownership.

The current process to "grandfather" units requires proof that the accessory dwelling unit was installed prior to November 16, 1995, and a successful Fire Prevention inspection, Property Standards inspection, and an Electrical Safety Authority inspection.

Units constructed after November 16, 1995, must be in compliance with the Town's zoning by-law.

3.3 Updated Accessory Dwelling Unit Registration Process

A staff committee has been established to review and update the method of registration of accessory dwelling units. The committee is comprised of members of the Planning, Building, Fire, and By-law Enforcement Departments. The committee is charged with the task of establishing a process of registration for existing recognized units, existing unrecognized units, and new units on a go forward basis.

The updated registration process essentially formalizes staff's past practices and consists of two categories of recognition:

- For accessory dwelling units created on or before July 14, 1994 (date of Fire Code permissions), the applicant would have to submit an application, pay the prescribed fee, prove the unit was in existence prior to July 14, 1994, and successfully complete Fire Prevention, Electrical Safety Authority, and Property Standards inspections.
- For accessory dwelling units created after July 14, 1994, the applicant would have to submit an application, pay the prescribed fee, and successfully obtain a Change of Use permit or a Building Permit.

For existing accessory dwelling units created on or before July 14, 1994, the Fire Department verifies that the unit complies with the Fire Code 9.8 Retrofit clauses. Typically, this includes verifying the fire separation between units as well as between a unit and a mechanical room.

For new accessory dwelling units, or those that were installed without prior permission, the Building Department would be responsible for ensuring that the units comply with the Ontario Building Code. The permit process would ensure that the appropriate fire separation exists or has been provided.

3.4 Prescribed Fee

The Town's Fee By-law will have to be amended in order to reflect an application fee. It will be recommended that a one-time fee of \$125 be obtained for registering an accessory dwelling unit. This fee is consistent with fees collected by the Town of Whitby (\$100), Town of Markham (\$150), City of Oshawa (\$150), Town of Caledon (\$119), and the Town of Newmarket (\$110).

The Town's User Fee By-law and Building By-law sets fees for inspections, building permits, change of use permits, etc. These additional fees will continue to be collected, as applicable, for the accessory dwelling unit registration.

4. EFFECT ON TOWN FINANCES:

4.1 CURRENT YEAR:

The Town's Fee By-law will have to be updated to include a fee for registration. Until such a time, the registration fee would have to be waived. The impact would be dependant on the number of applications made before and after the Fee By-law is amended.


4.2 FUTURE YEARS:

The effect on Town finances in the future will be dependant on the number of applications received.

5. ATTACHMENTS:

5.1 Accessory Dwelling Unit Registration Process

Respectfully submitted,



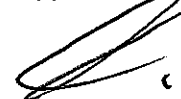
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Approved for Agenda by,



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Town Manager

TOWN OF BRADFORD WEST GWILLIMBURY
ACCESSORY DWELLING UNIT REGISTRATION PROCESS

1.0 Background

On June 6, 2010, Council adopted a new Zoning By-law which permits accessory dwelling units in most residential zones, in single detached and semi-detached residential buildings, subject to other provisions such as minimum floor areas and parking standards.

By permitting and regulating accessory dwelling units through a registration system, the Town is effectively implementing the Provincial Policy Statement, the Growth plan, and the Town's own Official Plan with regards to intensification, while providing affordable housing opportunities and offering variety in the housing stock. Accessory dwelling units also support multi-generational households and provide landowners with an additional source of income.

2.0 Scope

The Accessory Dwelling Unit Registration Process shall apply to all lands within the Town of Bradford West Gwillimbury. Permission for accessory dwelling units is also dependant on permissions to be obtained under the *Planning Act*, the *Building Code Act*, and the *Fire Protection and Prevention Act*.

The registration process is to be applied to residential buildings only. Compliance with the Town's Zoning By-law must be achieved.

3.0 Registration Process

3.1 Recognition

Prior to any accessory dwelling unit being utilized as a separate housekeeping unit by family, friends, or tenants, the accessory dwelling unit must be registered with the Town.

3.2 Delegation

The Director of Planning and Development Services and/or his/her designate shall be delegated the authority of establishing and maintaining the registry of accessory dwelling units.

3.3 Application

Upon successful registration of an accessory dwelling unit, the recognition of the dwelling unit shall rest with the property, not the property owner.

3.4 Revocation

The recognition and registration of a accessory dwelling unit may be revoked at any time by the Director of Planning and Development Services, the Chief Building Official, the Fire Chief, the By-law Enforcement Officer, or any of his/her designates should it become obvious that the accessory dwelling unit is no longer in compliance with the legislation under their authorities.

4.0 Procedure

4.1 Administration

The Planning and Development Services Department will administer and coordinate the accessory dwelling unit registration process among the Building Division, By-law Enforcement Division, and Fire Prevention Division, as required. The Planning and Development Services Department will also ensure that the register is maintained, accurate, and accessible to the appropriate internal departments.

4.2 Applicant Responsibility

In order to have an accessory dwelling unit recognized by the Town, the applicant must successfully complete one of the following procedures and submit all documentation to the Planning and Development Services Department:

For accessory dwelling units created on or before July 14, 1994, the applicant must:

- Complete and submit the application form;
- Pay the prescribed fee;
- Provide third party documentation indicating that the accessory dwelling unit was in existence prior to July 14, 1994 (MLS listing, tenancy agreement, sworn affidavit, utility bill demonstrating a second unit, insurance certificate, tax records, etc.);
- Complete a successful Electrical Safety Authority inspection;
- Complete a successful Fire Code Retrofit Inspection; and
- Complete a successful Property Standards Inspection.

- OR -

For new accessory dwelling units or for existing accessory dwelling units created after July 14, 1994:

- Complete the application form;
- Pay the prescribed fee;
- Demonstrate compliance with Zoning By-law 2010-050; and
- Apply for and successfully receive a Change of Use Permit or a Building Permit.

DATE drafted: October 29, 2010
DATE adopted: November 9, 2010
DATE revised: